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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,450	06/29/2001	Scott R. Shell	50037.14US01	9009

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MICROSOFT CORPORATION
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EXAMINER

LESNIEWSKI, VICTOR D

ART UNIT	PAPER NUMBER
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2152

DATE MAILED: 08/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/895,450

Applicant(s)

SHELL ET AL.

Examiner

Victor Lesniewski

Art Unit

2152

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05 July 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.


AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.

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Dung C. Dinh
Primary Examiner

Continuation of 11. does NOT place the application in condition for allowance because: The applicants arguments are not persuasive. In argument 1, the applicant has argued that Saad does not disclose "a configuration service provider component associated with the setting and configured to access the setting" as recited in claim 1. The applicant is again directed to column 3, lines 26-33. Each hardware component in Saad's system is enabled to access its type and version. The hardware component satisfies the functionality of the configuration service provider in the claim.

In argument 2, the applicant has argued that Saad does not disclose "a configuration manager component configured to receive the at least part of the query document and to identify the configuration service provider based on information within the query document, the configuration manager being further configured to pass the query statement to the configuration service provider for processing" as recited in claim 1. The applicant is again directed to column 4, line 60 through column 5, line 4. The cell station in Saad's system is able to identify each hardware component and communicate with the hardware components by utilizing an appropriate message protocol that is associated with the configuration. The cell station further forwards messages to the hardware components (configuration service provider components) for processing as discussed previously in the reference. See column 4, lines 26-36. The cell station satisfies the functionality of the configuration manager component in the claim.

In argument 3, the applicant has argued that Saad does not disclose "wherein the configuration manager is further configured to modify the query document based on the retrieved value of the setting" as recited in claim 6 and "wherein the query statement within the modified query document is modified to include the retrieved value of the setting" as recited in claim 7. The applicant is again directed to column 5, lines 20-34. Saad's system utilizes a refinement process using the configurations returned from the hardware components. This refinement process includes sending more messages (modified queries) in an iterative process as detailed in Saad's discussion of figure 5. Thus Saad's system satisfies the limitations of claim 6. Furthermore, the new or additional messages (modified queries) must include "the retrieved value of the setting" because they utilize the appropriate message protocol associated with each hardware component in the configuration. So in the iterative process of Saad, these additional messages would be adjusted appropriately for the current assumed configuration at each iteration. See column 4, lines 60-65. Thus Saad's system satisfies the limitations of claim 7.

In argument 4, the applicant has argued that Saad does not disclose "parsing the configuration message to identify the particular setting" as recited in claim 20. The applicant is again directed to column 4, lines 60-65. Here the cell station receives the current system configuration information and instructions. The cell station is enabled to determine an appropriate message protocol to use in communication with the hardware components based on the configuration information. This means that the cell station must parse the received information to identify and utilize correct settings. By the definition of parsing, the cell station's manipulation of the information satisfies the limitation in question.

In argument 5, the applicant has argued that there is no motivation to combine Saad and Maryka. Here, Maryka is included to show prior use of mobile devices in a network system in which devices communicate by exchanging configuration or system data. That Maryka's system is not concerned with the exact same problem as Saad's system is not relevant in that the two systems both represent networks in which devices exchange configuration or system data. Thus, it is maintained that Maryka's mobile devices could be brought into Saad's system according to the well known needs in the art for enhancements in the mobility of such systems.

In reference to other claim limitations argued concerning claim 20, the applicant is directed to the response to argument 2 above. In reference to claim limitations argued concerning claims 22, 25, 26, 29, and 34, the applicant is directed to the response to argument 2 above. In reference to claim limitations argued concerning claim 30, the applicant is directed to the responses to arguments 1 and 2 above. In reference to claim limitations argued concerning claims 32 and 33, the applicant is directed to the response to argument 3 above.

The claims remain rejected as presented in the final action mailed 6/15/2005.